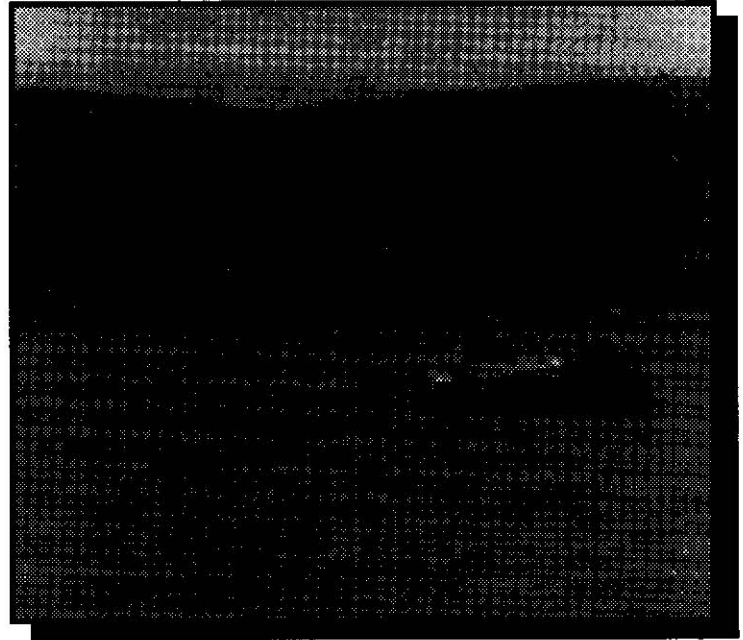
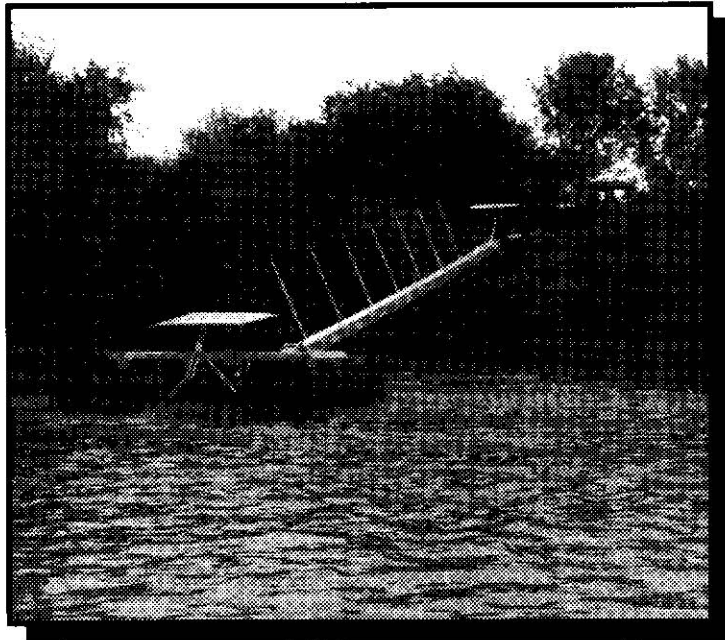
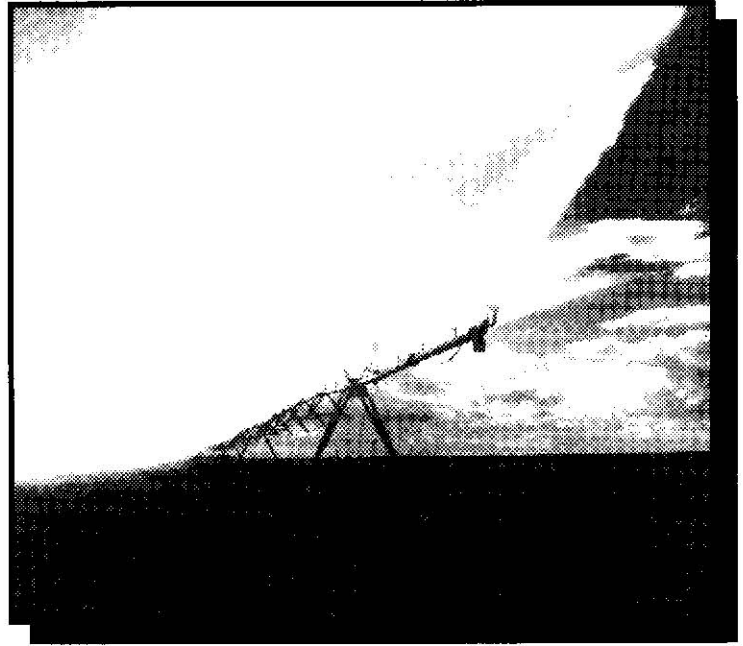


Lower Missouri River Basin FINAL ORDER

OF THE BOARD OF NATURAL RESOURCES AND CONSERVATION



Establishing Water Reservations on the Lower Missouri
River, the Little Missouri River, and Their Tributaries

December 30, 1994

LOWER MISSOURI RIVER BASIN

FINAL ORDER

OF THE

BOARD OF NATURAL RESOURCES & CONSERVATION

Establishing Water Reservations on the Lower Missouri River,
the Little Missouri River, and Their Tributaries

December 30, 1994

**BEFORE THE MONTANA BOARD OF NATURAL
RESOURCES AND CONSERVATION**

IN THE MATTER OF WATER RESERVATION APPLICATIONS:

40J L084490-00	40J L084493-00)
40P L084492-00	39E L084496-00)
40S L077646-00	40Q L084497-00)
39FJ L084485-00	39G L084498-00)
40S L077749-00	40G L084494-00)
40J L084489-00	40S L084499-00)
40J L084486-00	40S L084500-00)
41P L084487-00	40S L084501-00)
40J L084483-00	40Q L084497-00)
40R L084491-00	40O L084495-00)
40Q L084488-00	39G L084503-00)
40Q L077647-00	40J L078651-00)
39G L084484-00	40S L084482-00)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER, MEMORANDUM, &
ORDER OF ADOPTION**

**LOWER & LITTLE MISSOURI RIVER BASINS
WATER RESERVATIONS**

CONTENTS

INTRODUCTION	1
------------------------	---

MUNICIPAL RESERVATIONS

City of Chinook	3
City of Circle	7
City of Culbertson	12
City of Ekalaka	16
City of Fort Peck	20
City of Harlem	25
City of Havre	29
Hill County Water District	36
City of Malta	40
City of Plentywood	45
City of Poplar	50
City of Scobey	55
City of Wibaux	60
City of Wolf Point	65

CONSERVATION DISTRICT RESERVATIONS

Blaine County Conservation District	70
Carter County Conservation District	78
Daniels County Conservation District	84
Little Beaver Conservation District	90
Liberty County Conservation District	96
McCone Conservation District	104
Richland County Conservation District	110
Roosevelt County Conservation District	116
Sheridan County Conservation District	123
Valley County Conservation District	130
Wibaux Conservation District	137

MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS	144
--	-----

TABLE 1	162
-------------------	-----

EXHIBIT A	163
---------------------	-----

MEMORANDUM TO THE CONTESTED CASE & PUBLIC HEARINGS	164
--	-----

MEMORANDUM TO EXCEPTIONS TO THE PROPOSED ORDER	175
--	-----

ORDER OF ADOPTION	193
-----------------------------	-----

LOCATION MAPS OF THE RESERVATIONS	194
---	-----

I. INTRODUCTION

The applications for reservations in the Lower and Little Missouri River Basins were considered by the Board of Natural Resources and Conservation. The procedure utilized the filing of written testimony, the opportunity for parties to cross-examine persons filing written testimony and public testimony. The Board was assisted in this process by Robert R. Throssell, who acted as the hearing examiner to the extent that he oversaw the scheduling of the process, coordinated the filing of written testimony, presided over the formal hearing, and conducted the public testimony sessions. The Board reviewed and considered all the applications, pleadings and briefs, pre-filed testimony, and the transcripts of the hearings in reaching its decision. From this review and deliberation, the Board has prepared the Proposed Findings of Fact, Conclusions of Law, Order, and Memorandum that follows.

The following parties appeared through counsel as indicated:

John Bloomquist	11 Conservation Districts
John Chaffin	U.S. Dept. of Interior, Bureau of Indian Affairs, Bureau of Reclamation, and the Fish & Wildlife Service
Ted J. Doney & Candace Torgerson	Lower Missouri Coalition, Olesons, and the Cities of Culbertson, Plentywood, Poplar, Scobey, and Wolf Point
Jack Jenks	City of Malta
Francis Gallagher	City of Fort Peck
Richard Harkins	City of Ekalaka
R. W. Heineman	City of Wibaux
Arnie A. Hove	City of Circle
Robert Hurly	Rock Creek Canal Co. Glasgow Irrigation District
Curtis Larsen	Dept. of Fish, Wildlife and Parks
Stuart MacKenzie	City of Chinook
David Rice	Hill County Water District
James Spangelo	City of Havre

The hearing in this matter was conducted in Glasgow, Montana, during the weeks of September 19th and 26th, 1994. The parties listed above were considered full parties. Public testimony was received at hearings in Baker, Glasgow, Havre, Plentywood, and Wolf Point, Montana. Persons offering testimony at these hearings were placed under oath and subject to cross examination. Person giving public testimony were considered parties for limited purposes.

The applications of the reservants, Draft and Final Environmental Impact Statements, pre-filed written testimony, accompanying exhibits, and testimony presented at hearing sessions were accepted into the record. The Board heard summation arguments by counsel for the full parties on October 26, 1994. The Board then deliberated and reached its decision which is contained in the Proposed Findings of Fact, Conclusions of Law, Order and Memorandum.

The Board will consider exceptions to the Proposed Findings of Fact, Conclusions of Law, Order and Memorandum, on December 15, 1994. Only full parties to the proceeding are entitled to file exceptions. Following its consideration of any exceptions, the Board will issue the final order in this matter by December 31, 1994.